

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.21571 of 2015 (O&M)
DATE OF DECISION: 08.10.2015

Pawan Kumar

....Petitioner

versus

The Haryana State Cooperative Supply and Marketing Federation
Limited (HAFED)

.....Respondent

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Ravi Kant Sharma, Advocate for the petitioner

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioner has challenged an order dated 21.02.2013 imposing a cut of 5.6% on the amounts payable to the petitioner by way of hiring charges of a godown. The godown was constructed by the petitioner.

2. The respondents had published a notice inviting tender from the tenderers who owned land with permission to construct the godown for FCI storage to be managed and supervised by HAFED for a guaranteed lease of ten years on Build, Own & Operate/lease basis.

3. The petitioner's bid in respect of a 10,000 metric tonnes godown was accepted. From the correspondence, it does appear that the plans were approved by the respondents. There, however, appear to have been disputes regarding the construction. The respondents contended that there were deficiencies which had been pointed out by a District Level Committee but the same had not been fully rectified by the petitioner. On the other hand, the

petitioner denies that there were any deficiencies and contends that the construction was exactly as per the directions and requirements of the respondents.

4. It is not possible in a writ petition to decide these disputed questions of facts as regards the nature of the construction. If the respondents have, according to petitioner, illegally imposed a cut of 5.6% on the amount of about Rs.3.51 lakhs payable per month, the petitioner must adopt appropriate proceedings to recover the difference.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

08.10.2015
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(TEJINDER SINGH DHINDSA)
JUDGE